

## REMARKS

### Status of the Claims

Claims 1-6 and 9-40 will be pending in the Application upon entering this amendment. Claims 1, 36, and 37 have been amended, and claims 38, 39, and 40 have been added. Applicant submits that the amendments do not add new matter to the current Application. All the amendments herein have been made in order to clarify the claims and not for prior art reasons. Applicant also submits that (1) no amendment made was related to the statutory requirements of patentability unless expressly stated herein, and (2) no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

### Objection to the Specification

Applicants have amended equation 3 by removing the extra "K10" such that the term referred to by the Examiner now reads " $K10 \cdot C_{int}^{c_{int\_tx}} \cdot Tx$ ", which corresponds to the specification at page 8, lines 19-26.

### Objection to the Claims

Applicants have amended claim 1 to include the missing "of" as requested by the Examiner.

### Claim Rejections – 35 U.S.C. § 102

Claims 1-3, 36, and 37 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,883,818 to Salimi et al. (hereinafter "Salimi"). Applicants respectfully traverse the rejections.

With respect to claim 1, Applicants submit that claim 1 is allowable over Salimi because Salimi does not teach or suggest each and every element of claim 1. For example, in claim 1,

Applicants claim a method for making an integrated circuit that includes providing an equation which comprises a plurality of variables and constants, wherein the plurality of constants are unknown constants and one of the variables is related to at least one of metallization capacitance and metallization resistance. Applicants respectfully submit that Salimi does not teach or suggest the use of metallization capacitance or metallization resistance. The Examiner primarily cites col. 4 of Salimi which includes a model having a particular equation. However, this equation does not include any variable related to metallization capacitance or metallization resistance, as claimed in claim 1. In Salimi, the metallization resistance and capacitance is not varied and thus does not provided as a variable in the equation. For example, the only capacitance referred to in col. 4 of Salimi is  $C_l$ , which is the capacitive load connected to the output of the cell, and MinCap which is the minimum capacitive load connected to the input of the cell. As described in the specification, capacitive load (which Applicants refer to as  $C_l$  in the current Specification) is not the same as metallization capacitance. These represent different values all together. Therefore, for at least these reasons, Applicants submit that claim 1 is patentable over Salimi.

The Office Action also rejects both claims 36 and 37 using reasons similar to those given for claim 1. Therefore, Applicants respectfully assert that the rejections of each of the independent claims has been overcome with respect to claims 36 and 37 because Salimi neither teaches nor suggests limitations included in independent claim 1, as described above, which are similar to those limitations included in claims 36 and 37.

Each of the dependent claims rejected under 35 U.S.C. § 102 depend, either directly or indirectly, on claim 1 and, therefore, are allowable over Salimi for at least the same reasons as claim 1 is allowable. Note that Applicants have added claim 38 depending off of claim 1, and claim 39 depending from claim 38. Also, Applicants, in the previous response, inadvertently cancelled claim 8. Therefore, Applicants are adding new claim 40 which is simply equivalent to claim 8 as was originally filed. Since claims 38-40 also depend, either directly or indirectly, from claim 1, they are also allowable over Salimi.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1-12 stand rejected under 35 U.S.C. § 103 as being obvious and therefore unpatentable over U.S. Patent No. 6,090,152 to Hayes et al. (hereinafter "Hayes") in view of U.S. Patent No. 6,161,211 to Southgate (hereinafter "Southgate"). Claims 13-24 stand rejected under § 103 as being unpatentable over Hayes in view of Southgate in further view of U.S. Patent No. 6,507,935 to Aingaran et al. (hereinafter "Aingaran"). Claims 25-35 stand rejected under § 103 as being unpatentable over Hayes in view of Southgate in further view of U.S. Patent No. 5,559,715 to Misheloff (hereinafter "Misheloff"). Applicants respectfully traverse the rejections.

With respect to claim 1, Applicants submit that claim 1 is allowable over Hayes because Hayes does not teach or suggest each and every element of claim 1. For example, in claim 1, Applicants claim a method for making an integrated circuit that includes providing an equation which comprises a plurality of variables and constants, wherein the plurality of constants are unknown constants and one of the variables is related to at least one of metallization capacitance and metallization resistance. Applicants respectfully submit that Hayes does not teach or suggest the use of metallization capacitance or metallization resistance. The Examiner primarily cites col. 5, lines 66 – col. 6, line 9 of Hayes which includes a delay equation. However, this equation does not include any variable related to metallization capacitance or metallization resistance, as claimed in claim 1. For example, the only capacitance referred to in this equation of Hayes is Cload, which, again, is the capacitive load and not metallization capacitance. (See also col. 6, lines 57-63, of Hayes which discusses evaluating performance over a combination of factors, including load capacitance, but *not* including or even mentioning metallization capacitance or metallization resistance.) As described in the current Specification, capacitive load (which Applicants refer to as Cl in the current Specification) is not the same as metallization capacitance. These represent different values all together. Furthermore, Southgate also does not teach or suggest the use of metallization capacitance or metallization resistance. Therefore, for

at least these reasons, Applicants submit that claim 1 is patentable over Hayes in view of Southgate.

Claims 2-35 and 38-40 have not been independently addressed because they depend directly or indirectly from allowable claim 1, and are therefore allowable for at least those reasons stated above with respect to claim 1.

### Conclusion

Applicants respectfully submit that every rejection and objection set forth in the Office Action has been overcome. Consequently, the remaining claims are in condition for allowance and a Notice of Allowance for the remaining claims is respectfully requested. If a discussion with Applicants' attorney would be helpful in resolving any issues regarding patentability, the Examiner is invited to contact Applicants' undersigned attorney.

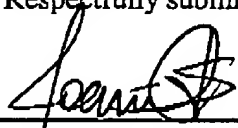
SEND CORRESPONDENCE TO:

Freescall Semiconductor, Inc.  
Law Department

Customer Number: 23125

Respectfully submitted,

By: \_\_\_\_\_

  
Joanna G. Chiu  
Attorney of Record  
Reg. No.: 43,629  
Telephone: (512) 996-6839  
Fax No.: (512) 996-6854